

FS7955/HMK

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
MAN FERROSTAAL, INC. n/k/a
FERROSTAAL METALS GROUP, INC.USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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Plaintiff,

07 CV 11076 (RJH)
ECF CASE

-against-

M/V SPAR CANIS, her engines, etc., SPAR
SHIPHOLDING A/S, FLEET MANAGEMENT
LTD., SK SHIPPING LTD.,**SCHEDULING
ORDER**Defendants.
-----X

1. Description of the Case:

a. Plaintiff: Kevin T. Murtagh, Esq., KINGSLEY KINGSLEY & CALKINS,
91 W. Cherry Street, Hicksville, NY 11801 - (Phone) (516) 931-0064; (Fax) (516)
931-4313

Defendants Spar Shipholding A/S, and Fleet Management Ltd.:
LeRoy Lambert, Esq., BLANK ROME, LLP, 405 Lexington Ave,
New York, NY 10174 - (Phone) (212) 885-5000; (Fax) (917) 332-3838

b. The basis for federal jurisdiction is 28 U.S.C. § 1333 and the
Carriage of Goods By Sea Act, 46 U.S.C. App. § 1300, *et seq.*

c. This is a maritime cargo damage action seeking recovery of
approximately \$30,000.00 for physical damage due to faulty stowage and
handling to steel pipe carried from Shanghai to Houston aboard the M/V SPAR
CANIS under bills of lading SKSMSAHU00607000, 608000, and 609000

through 61200 dated October 31, 2006.

d. For the plaintiff, proof of the case is by a preponderance of the evidence with the initial burden on plaintiff to make a prima facie case against the carrier by showing good condition of the cargo upon loading and damage at outturn. Once plaintiff satisfies its prima facie case, the burden is upon defendant to establish its right to exoneration from liability, or limitation of liability, and any affirmative defenses under the Carriage of Goods By Sea Act.

e. The relief sought is money damages to cover the costs to repair the physical damages to the pipe and for surveyor fees.

2.
 - a. There are no pending motions at this time
 - b. Cutoff date for joinder of parties is April 15, 2008
 - c. Cutoff date for amendments to pleadings is April 15, 2008
 - d.
 - (i) Rule 26(a)(1) disclosures by March 31, 2008
 - (ii) Fact discovery completed by July 11, 2008
 - (iii) Expert disclosures: Plaintiff by July 25, 2008
Defendants by August 8, 2008
 - (iv) Expert discovery completion date, including dates for delivery of expert reports: September 2, 2008
 - e. Dispositive motions, fully briefed, filed by November 10, 2008
 - f. Pretrial Order filed by November 10, 2008
 - g.
 - (i) A bench trial is requested
 - (ii) Probable length of trial is two days

(iii) Case will be ready for trial after filing of pretrial order

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3. All parties do not consent to proceed before a Magistrate Judge.
4. a. & b.: No settlement discussions have yet occurred.
c. A settlement conference is requested upon completion of fact discovery.
5. a status conference shall be held
on 7/18/08 at 10:30

SO ORDERED

RJW
GSD

3/20/08